

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

VALEANT PHARMACEUTICALS
INTERNATIONAL, INC.; VALEANT
PHARMACEUTICALS INTERNATIONAL; and
AGMS, INC.,

Plaintiffs,

v.

AIG INSURANCE COMPANY OF CANADA;
ACE INA INSURANCE COMPANY; ALLIANZ
GLOBAL RISKS US INSURANCE COMPANY;
ARCH INSURANCE CANADA LTD; EVEREST
INSURANCE COMPANY OF CANADA;
HARTFORD FIRE INSURANCE COMPANY;
IRONSHORE CANADA LTD.; LIBERTY
INTERNATIONAL UNDERWRITERS, a division
of LIBERTY MUTUAL INSURANCE
COMPANY; and LIBERTY MUTUAL
INSURANCE COMPANY; LLOYD'S
UNDERWRITERS; LLOYD'S CONSORTIUM
9885 (a/k/a STARR FINANCIAL LINES
CONSORTIUM 9885); LLOYD'S SYNDICATE
ANV 1861; LLOYD'S SYNDICATE AMA 1200;
LLOYD'S SYNDICATE ARGO 1200; LLOYD'S
SYNDICATE AWH 2232; LLOYD'S
SYNDICATE BRT 2987; LLOYD'S SYNDICATE
CVS 1919; LLOYD'S SYNDICATE HCC 4141;
LLOYD'S SYNDICATE MITSUI 3210; LLOYD'S
SYNDICATE MIT 3210; LLOYD'S SYNDICATE
NAV 1221; LLOYD'S SYNDICATE QBE 1886;
LLOYD'S SYNDICATE SJC 2003; ROYAL &
SUN ALLIANCE INSURANCE COMPANY OF
CANADA; TEMPLE INSURANCE COMPANY;
and XL INSURANCE COMPANY SE.,

Defendants.

Civil Action No.: 3:18-cv-00493

**STIPULATION AND ORDER
REGARDING THE DECEMBER
20, 2018 LETTER TO THE HON.
LOIS H. GOODMAN, U.S.M.J.
AND THE OCTOBER 2, 2019
LETTER TO THE HON.
DOUGLAS K. WOLFSON, J.S.C.
(RET'D.)**

STIPULATION AND ORDER

WHEREAS, Plaintiffs Valeant Pharmaceuticals International, Inc., Valeant Pharmaceuticals International, and AGMS, Inc. (collectively “Plaintiffs” or “Valeant”) and Defendants¹ (together the “Parties”) met and conferred for the purposes of trying to resolve the disputes to be heard before the Special Master Hon. Douglas K. Wolfson, J.S.C. (Ret’d.) relating to Defendants’ Motions to Compel set forth in the December 20, 2018 Letter to the Hon. Lois H. Goodman, U.S.M.J. (ECF No. 158 (hereinafter the “2018 Letter”)) and in the Defendants’ October 2, 2019 Letter to the Hon. Douglas K. Wolfson, J.S.C. (Ret’d.) (hereinafter the “2019 Letter”); and

WHEREAS, the Parties have resolved the discovery issues set forth in the 2018 Letter in their meet and confer negotiations and seek to memorialize the agreements reached;

WHEREAS, Defendants have withdrawn with prejudice the motion to compel in the 2019 Letter because such motion relates only to the Stock Drop Claims which have been resolved and is thus moot;

WHEREAS, the Parties agreed that adherence to the following stipulations would obviate the need for the Special Master to hear or decide the motions to compel set forth in the 2018 Letter and in the 2019 Letter:

- (1) Within 45 days of the date of this Stipulation, Plaintiffs will run the search terms and connectors attached as Exhibit A across the named custodians at 1-17 reflected therein, produce responsive, non-privileged documents, and log any documents withheld or redacted for privilege;

¹ The term Defendants describes all remaining Defendants named in Plaintiffs’ Complaint (ECF No. 1) and described at pages 18-29 therein.

- (2) Within 45 days of the date of this Stipulation, in response to Defendants' requests for filed motions and correspondence related to discovery in the underlying Allergan Actions and Defendants' requests for the Allergan Action litigation files, Plaintiffs agree to undertake a reasonable search for and to produce all documents produced or filed in those actions, including discovery requests and responses, meet and confer correspondence, and discovery motions filed with the Court or Special Master which have not already been produced, orders and decisions of the Court or Special Master on such discovery motions, and transcripts of oral arguments or conferences before the Special Master concerning discovery. This search in Paragraph 2 will include the files of Valeant's counsel in the Allergan Actions;
- (3) Within 45 days of the date of this Stipulation, in response to Defendants' requests to identify the content of Plaintiffs' productions to date, Plaintiffs agree to provide Defendants with a list containing the Bates ranges identifying the relevant action to which the production belongs, the producing party (including third party where applicable), and whether the Bates range contains pleadings, docket filings, or parts of the discovery productions. To the extent documents were also produced to any state or federal agencies, Plaintiffs agree to identify those agencies following a reasonable search;
- (4) Within 15 days of the date of this Stipulation, Plaintiffs agree to serve amended responses to Interrogatories Nos. 28, 32, 35, 36, 37, and 39 of Defendants' First Set of Interrogatories, and Requests for Production Nos. 12, 17, 18, 22, and 89 of Defendants' First Set of Requests for the Production of Documents;

- (5) On the date of this Stipulation, Defendants agree to withdraw with prejudice the motion to compel in the 2019 Letter because such motion relates only to the Stock Drop Claims which have been resolved and is thus moot if they had not already done so;
- (6) The Parties reserve their rights to contest and seek production of documents withheld from production and logged on their respective privilege logs, and shall set a schedule with deadlines to identify any contested designations, meet and confer, and submit any unresolved privilege log designations to the Hon. Douglas K. Wolfson, J.S.C. (Ret'd.);
- (7) The Parties reserve their rights as to any alleged deficiencies that may arise concerning the productions and amendments made pursuant to paragraphs 1-5 above. To the extent that documents, testimony, or other information produced in discovery by any party reveals issues or deficiencies, the parties may submit additional discovery requests; all parties' rights to demand such additional discovery and to oppose such requests are preserved.

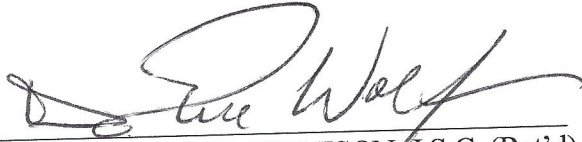
NOW THEREFORE, IT IS HEREBY STIPULATED AND AGREED that the Parties resolved their disagreements relating to the 2018 Letter and the 2019 Letter and there is no further need at this time for the Special Master to hear arguments on those matters pursuant to the above stipulations.

IT IS SO ORDERED.

Dated: 5/24/22

CONSENTED BY:

McCARTER & ENGLISH, LLP


HON. DOUGLAS K. WOLFSON, J.S.C. (Ret'd)

McCARTER & ENGLISH, LLP

By: /s/John E. Failla

Sherilyn Pastor
Four Gateway Center
100 Mulberry Street
Newark, NJ 07102
(973) 622-4444

-and-

John E. Failla
Nathan Lander
Om V. Alladi
PROSKAUER ROSE LLP
11 Times Square
New York, NY 10036
(212) 969-3000

*Attorneys for Plaintiffs,
Valeant Pharmaceuticals International,
Inc., Valeant Pharmaceuticals
International, and AGMS, Inc.*

HANGLEY ARONCHICK SEGAL PUDLIN
& SCHILLER

By: /s/Daniel J. Layden

Daniel J. Layden
Ronald P. Schiller
20 Brace Road - Suite 201
Cherry Hill, NJ 07034
(215) 496-7021

*Attorneys for Defendant/Counterclaim
Plaintiff, Arch Insurance Canada Ltd.*

MARKS, O'NEIL, O'BRIEN, DOHERTY & SAIBER LLC
KELLY, P.C.

By: /s/ Anthony D'Agostino

Sean X. Kelly
Melissa J. Brown
Sean Robins
Cherry Tree Corporate Center
Suite 501
535 Route 38 East
Cherry Hill, NJ 08002
(856) 663-4300

-and-

David A. Wilford
Anthony J. D'Agostino
Sabina B. Danek
WILFORD LLP
18 East Dundee Road
Building 6 - Suite 150
Barrington, IL 60010
(224) 848-4724

*Attorneys for Defendants,
Liberty International Underwriters, a
division of Liberty Mutual Insurance
Company, Liberty Mutual Insurance
Company, Royal & Sun Alliance
Insurance Company of Canada, Certain
Underwriters at Lloyd's London
subscribing to Policy No. QB078913,
Certain Underwriters at Lloyd's London
subscribing to Policy No. QB146013,
Certain Underwriters at Lloyd's London
subscribing to Policy No.
B0509FINMW1500612, Certain
Underwriters at Lloyd's London
subscribing to Policy No.
B0509FINMW1500642, Certain
Underwriters at Lloyd's London
subscribing to Policy No.
B0509FINMW1500626, Certain
Underwriters at Lloyd's London
subscribing to Policy No.*

By: /s/ David I. Satine

Joseph J. Schiavone
David I. Satine
18 Columbia Turnpike, Suite 200
Florham Park, NJ 07932
(973) 622-3333

*Attorneys for Defendant,
Everest Insurance Company of Canada*

*B0509FINMW1500618, Certain Underwriters at Lloyd's London subscribing to Policy No.
B0509FINMW1500629, Certain Underwriters at Lloyd's London subscribing to Policy No.
B0509FINMW1500630, Certain Underwriters at Lloyd's London subscribing to Policy No. 15G142820113,
and Chubb Insurance Company of Canada*

COUGHLIN MIDLIGE & GARLAND, LLP

By: /s/ Suzanne C. Midlige
Suzanne C. Midlige
Kevin T. Coughlin
350 Mount Kemble Avenue
PO Box 1917
Morristown, NJ 07962
(973) 267-0058

*Attorneys for Defendant,
Allianz Global Risks US Insurance Company*

KAUFMAN BORGEEST & RYAN LLP

By: /s/ Robert A. Benjamin
Robert A. Benjamin
Patrick Stolz
200 Summit Lake Drive
Valhalla, NY 10595
(914) 449-1000

*Attorneys for Defendant,
Hartford Fire Insurance Company*

DAY PITNEY LLP

By: /s/ John Vukelj
John Vukelj
Elizabeth J. Sher
605 Third Avenue
New York, NY 10158
(212) 297-5800

*Attorneys for Defendant,
Temple Insurance Company*

EXHIBIT A**Plaintiff Will Search the Documents of the Following 17 Custodians:**

1. Elizabeth Zimmerman – Executive Director, Insurance & Risk Management
2. Ann Marie Yambayashi – Director of Risk Management
3. Daniel Yelin – Senior Director, Business & Legal Affairs
4. Grace Lin – VP and Treasurer
5. James Doherty – Risk Management Consultant
6. Linda LaGorga – Senior VP and Treasurer
7. Michel Gregurovic – Risk Management Group
8. Susan Lovelace – Risk Management Assistant
9. Paul Herendeen – Executive VP, CFO
10. Sam A. Eldessouky – Senior VP, Corporate Controller & Chief Accounting Officer
11. Jennifer Nicewicz – Executive Assistant to SVP, Controller & Chief Accounting Officer
12. Frank Milley – VP, Treasury Operations
13. Frederick Munsch – VP, Assistant Corporate Controller
14. Joseph Papa – Chairman, CEO
15. Christina Ackermann – Executive VP, General Counsel
16. Michael Pearson – Chairman, CEO
17. Howard Schiller – CFO

Plaintiff Agree to Use the Following Search Terms:

2454458
9501117
"@oag.texas.gov"
"Alistair.Stewart@starrcompanies.com"
"Anne.Thompson@aig.com"
"beverley.jones@marshoperations.co.uk"
"billy.balkwill@anv.eu.com"
"cgrayson@templeins.com"
"ckelleher@peabodyarnold.com"
"Claims.liu@libertyiu.com"
"claims@everest.com"
"claims@rsagroup.ca"
"CSeear@munichre.com"
"Danielle.Filax@marsh.com"
"david.friend@xlcatlin.com"
"david.gill@everestcanada.com"
"Denis.Panariti@aig.com"
"dounia.khali@agcs.allianz.com"
"dwilford@wilfordconrad.com"

"edolden@dolden.com"
"EO'Neil@peabodyarnold.com"
"fbuckley@damato-lynch.com"
"financiallinesclaims@allianz.com"
"gail.johnson@agr.allianz.ca"
"Gcurley@damato-lynch.com"
"grace.kim@rsagroup.ca"
"Gregory.Lenihan@xlgroup.com"
"Hema.Mistry@marsh.com"
"HFPCclaims@thehartford.com"
"Isabelle.lindgren@marshoperations.co.uk"
"James.Hamilton@everestcanada.com"
"Jay.Cassidy@marsh.com"
"Jennifer.Jacobson@thehartford.com"
"jessie.lam@aig.com"
"jhalfnight@lerner.ca"
"joseph.finnerty@dlapiper.com"
"jskarzynski@skarzynski.com"
"judi.hogan@ffic.com"
"Julien.Brossard@LibertyIU.com"
"kathy.fong@marsh.com"
"Kimberly.Huebner@AIG.co"
"kotoole@templeins.com"
"Laura.Hodgins01@LibertyIU.com"
"ldlynchjr@damato-lynch.com"
"Luke.Johnson@amtrustgroup.com"
"MaryMargaret.Fox@clydeco.ca"
"matthew.lamplugh@allianz.com"
"mmede@templeins.com"
"newclaimsp&C@aig.com"
"Owen.dacey@xlcattlin.com"
"Paul.Barker@aspen-insurance.com"
"philippe.senecal@aig.com"
"pprednis@wilfordconrad.com"
"rbenjamin@kbrlaw.com"
"Reece.hooper@starrcompanies.com"
"reynaldo.batac@rsagroup.ca"
"richard.provost@langlois.ca"
"Rita.perez@thehartford.com"

"Rkashyap@archinsurance.com"
"Robyn.Campbell@LibertyIU.Com"
"Roderic.McLauchlan@clydeco.com"
"rprovost@fplex.ca"
"rrobak@wilfordconrad.com"
"rsands@msilm.com"
"Sally.Greenwood@marsh.com"
"Sclements@coughlinduffy.com"
"shawn.therien@clydeco.ca"
"Sherwood.Owen@marshoperations.co.uk"
"Steven.Joyce@awac.com"
"templeclaimsgroup@templeins.com"
"Ting.Low@awac.com"
"todd.armstrong@libertyiu.com"
"Tom.Moorby@marsh.com"
"Tpeeters@archinsurance.com"
"UKNewNotices@xlgroup.com"
"vesna.spasic@libertyiu.com"
"Vincent.Ansaldi@everestnational.com"
"wborgeest@kbrlaw.com"
("Mary Margaret" OR "Mary") w/5 Fox
*@kramerlevin.com
*archcanadaclaims@archinsurance.com
01-421-57-69 or 014215769 or "01 421 57 69" or 4215769
Alistair w/5 Stewart
Anna w/5 Trecroce
Anne w/5 Thompson
attach@MarshCanadaClaims.com
QB146013
Beverley w/5 Jones
Billy w/5 Balkwill
Brian w/5 Botkin
Buckley w/5 "F."
Carolyn w/5 Oliver
Carrie w/5 Grayson
Colin w/5 Seear
Curley w/5 G.
DA0271573-13 OR "DA0271573-13" OR "DA 0271573-13"
Damag* w/10 ("14(e)" or "14e" or "14-e" or "20A")

Damag* w/25 Allergan
Damag* w/5 (cap or limit)
David w/5 Friend
David w/5 Gill
David w/5 Wilford
Denis w/5 Panariti
Disgorg*
DOTOAAGHNZ003
Dounia w/5 Khali
DOX0046341-02
E. w/5 O'Neil
Eric w/5 Dolden
FPL722389 OR "FPL 722389"
Gail w/5 Johnson
Grace w/5 Kim
Gregory w/5 Lenihan
Intent* w/5 conduct
Isabelle w/5 Lindgren
James w/5 Hamilton
Jamieson w/5 Halfnight
Jennifer w/5 Jacobson
Jessie w/5 Lam
Joseph w/5 Finnerty
Judi w/5 Hogan
Julien w/5 Brossard
Kathy w/5 Fong
"kcoughlin@coughlinduffy.com"
Kelleher w/5 C.
Kevin w/5 Coughlin
Kevin w/5 O'Toole
Kimberly w/5 Huebner
Laura w/5 Hodgins
Leber w/5 M.
LIA105678
Luke w/5 Johnson
Lynch w/5 L.
Margaret w/5 Mede
Matthew w/5 Lamplugh
Owen w/5 Dacey

Paul w/5 Barker
Philippe w/5 Senecal
Prednis w/5 P.
Pay* w/10 (costs w/5 (defense or defence))
Pearson w/10 (costs w/5 (defense or defence))
QB078513
QB078613
QB078713
QB078813
QB078913
QB079013
QB146013
QB146113
QB146213
Reece w/5 Hooper
Renee w/5 Robak
Reynaldo w/5 Batac
Richard w/5 Provost
Richard w/5 Sands
Rita w/5 Perez
Ritu w/5 Kashyap
Robert w/5 Benjamin
Robert w/5 Denton
Robert w/5 Layzell
Robyn w/5 Campbell
Roderic w/5 McLauchlan
Sally w/5 Clements
Sally w/5 Greenwood
Shawn w/5 Therien
Sherwood w/5 Owen
Skarzynski w/5 J.
Steven w/5 Joyce
Ting w/5 Low
Todd w/5 Armstrong
Tom w/5 Moorby
Tyler w/5 Peeters
Vesna w/5 Spasic
Victoria w/5 Watson
"victoria.watson@uk.qbe.com"

Vincent w/5 Ansaldi
Wayne w/5 Borgeest
XD&O0000061
(Ackman or Pershing or Pearson or Allergan or Basile) w/5 settl*
Allergan w/5 (suit or lawsuit)
Marsh* ("D&O" OR "D & O" OR "D and O" or (director* w/5 officer*) w/15 (insur* or policy or coverage))
Allocat* w/10 (Pershing or Pearson or Allergan or Ackman)
Exclu* w/10 (conduct or profit) w/15 (insur* or policy or coverage)
@kirkland.com w/25 settl
AmTrust & ("Allergan" or "securities claim")
"Allied World" & ("Allergan" or "AGN" or "securities claim")
Starr & ("Allergan" or "AGN" or "securities claim")
(Mitsui or "MS Amlin") & ("Allergan" or "AGN" or "securities claim")
Pershing w/10 (insur* or underwr*)
"SJC 2003" & ("Allergan" or "AGN")
AIG & ("Allergan" or "AGN")
Allianz & ("Allergan" or "AGN")
Arch & ("Allergan" or "AGN")
Everest & ("Allergan" or "AGN")
Hartford & ("Allergan" or "AGN")
Liberty & ("Allergan" or "AGN")
Lloyd's & ("Allergan" or "AGN")
QBE & ("Allergan" or "AGN")
(Royal w/5 (Sun or RSA)) & ("Allergan" or "AGN")
Temple & ("Allergan" or "AGN")
(Catlin or XLC) & ("Allergan" or "AGN")
"@agcs.allianz.com"
"@agr.allianz.ca"
"@AIG.co"
"@aig.com"
"@allianz.com"
"@amtrustgroup.com"
"@anv.eu.com"
"@archinsurance.com"
"@aspen-insurance.com"
"@awac.com"
"@clydeco.ca"
"@clydeco.com"

"@coughlinduffy.com"
"@damato-lynch.com"
"@dlapiper.com"
"@dolden.com"
"@everest.com"
"@everestcanada.com"
"@everestnational.com"
"@ffic.com"
"@fplex.ca"
"@kbrlaw.com" OR "@kbrlaw.com"
"@langlois.ca"
"@lernalers.ca"
"@libertyiu.com"
"@MarshCanadaClaims.com"
"@marshoperations.co.uk"
"@msilm.com"
"@munichre.com"
"@peabodyarnold.com"
"@rsagroup.ca"
"@skarzynski.com"
"@starrcompanies.com"
"@templeins.com"
"@thehartford.com"
"@uk.qbe.com"
"@wilfordconrad.com"
"@xlcatlin.com"
"@xlgroup.com"
Securities Claim" w/10 (update* or revise* or amend*)
"Securities Claim" w/10 "purchase"
"Securities Claim" w/10 "tender offer"
"Securities Claim" w/10 "Williams Act"
"Securities Claim" w/10 defin*
*@blbglaw.com
*@ktmc.com
*@rgrdlaw.com
Cassidy
Filax
Kessler w/3 Topaz
Mistry

"@marsh.com" & ("Allergan" or "AGN" or "securities claim" or "D&O" or "D and O" or "directors & officers" or "directors and officers")
Pearson w/10 (claim or *suit or insur*) & (underwr*)
Schiller w/10 (insur* or underwr*)
".83" w/10 (sh* or share*)
"48.30"
"58.30"
"4.9" w/10 ("% or "percent")
"75.9"
"1.22659"
(Andrew w/5 Burch) AND ((Valeant) and (share* or exchange or securit* or relationship* or LMA or offer or bid)) or (Litigation w/10 Management OR Agreement))
(Anthony w/5 Massaro) AND ((Valeant) and (share* or exchange or securit* or relationship* or LMA or offer or bid)) or (Litigation w/10 Management OR Agreement))
(Comment w/5 letter) AND ((Valeant) and (share* or exchange or securit* or relationship* or LMA or offer or bid)) or (Litigation w/10 Management OR Agreement))
(Commitment w/5 letter) AND ((Valeant) and (share* or exchange or securit* or relationship* or LMA or offer or bid)) or (Litigation w/10 Management OR Agreement))
(Funding w/10 vehicle*) AND ((Valeant) and (share* or exchange or securit* or relationship* or LMA or offer or bid)) or (Litigation w/10 Management OR Agreement))
(Jordan w/5 Rubin) AND ((Valeant) and (share* or exchange or securit* or relationship* or LMA or offer or bid)) or (Litigation w/10 Management OR Agreement))
(Paul w/5 Parker) AND ((Valeant) and (share* or exchange or securit* or relationship* or LMA or offer or bid)) or (Litigation w/10 Management OR Agreement))
(Proxy w/10 solicitation) AND ((Valeant) and (share* or exchange or securit* or relationship* or LMA or offer or bid)) or (Litigation w/10 Management OR Agreement))
(Baronoff) AND ((Valeant) and (share* or exchange or securit* or relationship* or LMA or offer or bid)) or (Litigation w/10 Management OR Agreement))
(William w/5 Doyle) AND ((Valeant) and (share* or exchange or securit* or relationship* or LMA or offer or bid)) or (Litigation w/10 Management OR Agreement))